REMARKS/ARGUMENTS

Claims 1-6 remain in this application.

Claims 7 and 8 are withdrawn but are retained for future prosecution.

The Abstract has been revised and is submitted herewith.

The Examiner rejects claims 1-6 as unpatentable in view of Hill et al. and Ruschke.

It is not considered that either reference or the combination of references is valid as explained below.

The Ruschke patent (6,063,109) refers to the use of a directly coupled quartz tube containing a biologically active agent within the device itself. The laser is then applied to the treated area of biological sample. This device does not allow the direct observation of the treatment area at the same time as the treatment, but only sequentially (after treatment), using the probe. The probe does not incorporate a contact lens to visualize the posterior surface of the eye, or any device to enable simultaneous visualization and treatment, but rather is designed to contain a quartz glass tube within the laser system that allows incorporation of biologically active solutions into the laser system, prior to the treatment of the tissue/patient/animal (laser>>>dye>>>tissue). In the method of this application the photosensitive dye is injected directly into

the animal, and is not held within a container system within the laser device, but rather it is being injected into the animal to enable indirect treatment (laser>>tissue>>dye). Further, the current application also utilizes a non-directly coupled system using a contact lens to enable simultaneous visualization and treatment of the treatment area. This is not available in Ruschke.

The Hill patent (6,095,147) refers to an adjuvant to surgical therapy to prevent scarring (fibrosis) in the operated area. Specifically, it is used in the treatment of a surgical glaucoma filter to prevent scarring after surgical treatment. The Hill patent uses surgical dissection and direct surgical tissue removal prior to the use of their method. It is not to induce a condition or disease, but to prevent scarring and inhibit optic nerve damage. The use of the laser to induce optic nerve disease is not at all useful in this system or as a reference.

The present method is specifically designed to produce or induce optic nerve damage and to create a specific disorder. This disorder is similar to the human disease known as anterior ischemic optic neuropathy (AION). AION disease is distinct from glaucoma, in that 1) glaucoma ia a slow process; AION is sudden. 2) There is still no clean understanding of the cause of glaucoma, while there is a good understanding of

the cause of AION. 3) Although surgery is used to treat glaucoma, there is no known surgical treatment for AION. 4) There is no fibrosis associated with AION, and the current method is not designed in any way to reduce fibrosis or prevent scarring. Thus, it is not seen that the references are application to the present invention or the production of optic nerve damage; quite the opposite.

Allowance of the application as now presented is requested.

As Patent Examiner requested attached herewith is the Abstract within the number of words permitted for a patent application.

Respectfully submitted

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I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on May 23, 2003.

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